



Shell Oil Company  
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**VIA UPS OVERNIGHT**

April 5, 2012

Mr. William J. Reilly, Jr.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York, 10007

**SUBJECT: Riverside Avenue Site, Newark, Essex County, New Jersey  
Response of Shell Chemical LP to EPA CERCLA Information Request  
Addressed to Shell Chemical Company**

Dear Mr. Reilly:

The following is submitted by Shell Chemical LP (Shell) in response to the above-captioned Information Request (Request) regarding the Riverside Avenue Site, Newark, Essex County, New Jersey (the Site) dated February 28, 2012. Please be advised that Shell Chemical Company was converted to a Delaware limited partnership effective July 1, 2000 and that Shell Chemical LP is the proper entity to respond to this Request. Shell's response is due April 8, 2012.

Shell's search for information did not identify any information indicating that Shell had any business relationship with the addresses or entities identified in the Request. If the EPA can provide more details regarding Shell's alleged nexus to this site, Shell will research the matter further and provide a supplemental response if appropriate.

As an initial matter, Shell has attempted in good faith to respond to the Information Request to the extent it seeks information authorized by 42 U.S.C. §9604(e)(2), but objects generally to the Information Request on the following grounds. The provision of information in response to the Requests notwithstanding these objections is not a waiver of the objections nor an admission that EPA is entitled to obtain the information pursuant to CERCLA.

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## GENERAL OBJECTIONS

1. Shell objects to the Request to the extent it seeks information or documents protected by the attorney-client privilege, the attorney work product doctrine, the audit or self-evaluative privilege, is joint defense confidential material, or is subject to any other applicable privilege.
2. Shell objects to the Request to the extent it seeks information or documents in the possession of the United States or another governmental agency or is otherwise public information equally available to the EPA.
3. Shell objects generally to the Request on the ground that it is overbroad, seeking information not authorized by statute. Section 104(e)(2) of CERCLA identifies three (3) categories of information that a duly-designated representative of the President may seek from any person. Much of the information sought by the Information Request does not fall within these categories.
4. Shell objects to the terms "you", "yours" or "Respondent" in Definition No. 1 as vague, ambiguous, overbroad, unduly burdensome and not authorized by CERCLA Section 104(e) to the extent it includes Respondent's contractors, trustees, partners, successors, assigns or agents.
5. Shell objects to the extent the Request seeks information or documents regarding petroleum products mixed with pollutants and contaminants that are exempt from CERCLA's definitions of "hazardous substances" and "pollutants or contaminants" at 42 U.S.C. § 9601 (14) and (33). Shell's response to any question herein is not an admission that the materials discussed in the response are "hazardous substances," "pollutants or contaminants" or "waste."

Although Shell has attempted to respond in good faith to the Information Request, the responses herein are based on information currently available to Shell. Shell reserves the right to amend the responses set forth if additional or different information is subsequently discovered.

Sincerely,



Kimberly Lesniak  
Sr. Legal Counsel

cc: Marissa Truono  
Removal Action Branch  
U.S. Environmental Protection Agency, Region II  
2890 Woodbridge Avenue, Bldg. 205  
Edison, New Jersey 08837

## **REQUEST FOR INFORMATION**

Answer the following questions with regard to the property and buildings numbered 7/8 and 12 located at 1700-1712 & 1702-1716 McCarter Hwy also known as 29 Riverside Avenue (Block 614, Lots 63, 64), Newark, Essex County, New Jersey (the "Site"). For each response be specific as the building number(s) and/or the Block and lot number(s) whenever possible.

### **A. Questions**

1. Answer the following questions regarding your Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your Company did business under more than one name, list each name.

- a. State the correct legal name and mailing address of your Company.

**Response:**

Shell Chemical LP, 910 Louisiana Street, Houston, Texas 77002

- b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company.

**Response:**

Robert Chouffot, President, 910 Louisiana, Houston, Texas 77002-4916.

- c. Identify the State and year of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey.

**Response:**

Delaware, 1995.

Delaware: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle, DE 19801.

New Jersey: The Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey 08628.

- d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.



**Response:**

The majority stockholder of Shell Chemical LP is SCOGI GP. The majority stockholder of SCOGI GP is Shell Oil Company.

2. a. During the period from January 1, 1970 to December 31, 1999, did your Company ever enter into any transaction(s), including any contract(s), with any of the following persons pursuant to which your Company provided any drums, containers or industrial waste to any of the persons named below? (Please provide a Yes or No answer as to each):

1. Universal International Industries, Inc.
2. Jobar Industries, Inc.
3. Jobar Packaging, Inc.
4. Frey Industries, Inc.
5. Mr. Tilghman Frey

**Response 1-5:** No responsive information located.

- b. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any industrial waste from any facility which was ever owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.
2. Jobar Industries, Inc.
3. Jobar Packaging, Inc.
4. Frey Industries, Inc.

**Response 1-4:** No responsive information located.

- c. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any drums or containers having in it any product, off-spec product or any liquids, solids or sludges from any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.
2. Jobar Industries, Inc.
3. Jobar Packaging, Inc.
4. Frey Industries, Inc.

**Response 1-4:** No responsive information located.

d. During the period from January 1, 1970 to December 31, 1999, did your Company ever arrange with any of the following companies to remove or receive or store i) any drums, packages, tanks or containers or ii) any product or off-spec product or iii) liquids, solids or sludges that originated at any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):

1. Universal International Industries, Inc.
2. Jobar Industries, Inc.
3. Jobar Packaging, Inc.
4. Frey Industries, Inc.

**Response 1-4:** No responsive information located.

For every Yes answer provided in response noted in 2.c. through 2.d., above, provide the basis for responding Yes to the question and the following, as applicable: a) the times, dates and facilities and person involved and b) the nature, quantity and chemical composition of the material which was transported from your Company to the Site or which was provided to any of the company's identified in questions 2.a. through 2.d., above.

3. Do you have any reason to believe that any of the following may have been transported from any facility which was ever owned and/or operated by your Company and later taken to the Site:
- a. any hazardous substance?
  - b. any liquids, solids or sludge?
  - c. any solid waste of any type?
  - d. anything which was to be stored or treated and later returned to your Company?
  - e. any product or off-spec product which was to be treated and later returned to your Company or shipped to a third party on behalf of your Company?
  - f. any containers, regardless of contents or lack thereof?
  - g. any drums, regardless of contents or lack thereof?

Please provide a separate Yes or No answer to each of the above items (3.a. thru 3.g). For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

**Response a-g:** No.

4. Do you have any reason to believe that any of the following companies may have taken any industrial waste or any hazardous substance from any facility which was ever owned and/or operated by your Company and that such industrial waste or hazardous substance may have been transported to and/or disposed of at the Site:
- a. Universal International Industries, Inc.
  - b. Jobar Industries, Inc.
  - c. Jobar Packaging, Inc.
  - d. Frey Industries, Inc.

Please provide a separate Yes or No answer to each of the above items (4.a. thru 4.d). For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

**Response a-d:** No.

5. Do you have any reason to believe that any materials, including any hazardous substances, or any drum or containers of any type may have been removed from any facility which was ever owned and/or operated by your Company in New Jersey State and transported to and/or disposed of at the Site?

**Response:** No

6. Identify each individual who assisted or was consulted or who answered on your behalf or on behalf of the company in the preparation of its response to this Request for Information and specify the question with which each person assisted in responding.

**Response:**

Mary E. Smith, Paralegal, Shell Oil Company, 910 Louisiana, Houston, Tx. 77002.

Beth Troxler, Senior Technologist, Residual Management Coordinator, Shell Projects & Technology, Westhollow Technology Center, Houston, Tx.

Diana L. Henk, RMT Supervisor, Shell Oil Products US, 910 Louisiana, Houston, Tx. 77002.



**B. Request for Records:**

7. Please provide copies of all the following which are in the custody or control of your Company:
  - a. Every record indicating any transaction, communication, or business dealing with Mr. Tilghman Frey.
  - b. Every record indicating any transaction, communication, or business dealing of any type with Frey Industries, Inc.
  - c. Every record indicating any transaction, communication, or business dealing with Jobar Industries, Inc.
  - d. Every record indicating any transaction, communication, or business dealing with Universal International Industries, Inc.
  - e. Every record indicating any transaction, communication, or business dealing with Riverside Avenue Properties.
  - f. Every record indicating any transaction, communication, or business dealing with Merit Enterprises, Inc.
  - g. Every record indicating any transaction, communication, or business dealing with Industrial Development Corporation.
  - h. Every record indicating any transaction, communication, or business dealing with Industrial Development Association.
  - g. Every record relating to any drums, containers or waste material that your Company has any reason to believe may have been taken by anyone (during the time period from January 1, 1970 to December 31, 1990) from any facility that your Company ever owned or operated and which later entered the Site.

**Response a-g:** No responsive documents located.

# CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of Texas

County of Harris:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Mary E. Smith

NAME (print or type)

Paralegal

TITLE (print or type)

Mary E. Smith

SIGNATURE

Sworn to before me this 5th day of April, 2012

Joyce H Nobles

Notary Public

